

restrictions as they in their discretion may judge most expedient.

(Section XII, P. L.) Provided, That it shall appear to them the said council that such quantity so to be exported can be spared after reserving a sufficient quantity for the necessary consumption of the army and the inhabitants of this state.

(Section XIII, P. L.) And provided also, That it shall appear, bona fide, that the said wheat, barley, flour, Indian corn, rye or any other sort of grain is absolutely necessary for the home consumption of the state applying for the same; anything in an act, entitled, "An act to prohibit the exportation of provisions from the state of Pennsylvania for a limited time,"¹ to the contrary notwithstanding.

Passed April 3, 1779. See the notes to the Act of Assembly passed January 2, 1778, Chapter 782; November 17, 1778, Chapter 817.

On the original roll of this act the dates of passage and record are not given.

CHAPTER DCCCXLII.

AN ACT TO PREVENT THE TRESPASSING UPON THE UNINCLOSED GROUNDS LYING IN THE TOWNSHIPS OF PASSYUNK, MOYAMENSING, NORTHERN LIBERTIES AND GERMANTOWN IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the freeholders and inhabitants of the township of Passyunk, Moyamensing, Northern Liberties and Germantown have suffered considerable damage by the enemy, during the time of their being in possession of the city of Philadelphia, and parts adjacent, particularly by the loss of their fences and other enclosures:

(Section II, P. L.) And whereas it is difficult, if not impossible at this time to repair the said damage, and without the aid of the legislature they would be disabled from cultivating their lands and supplying the said city with hay and vegetables as usual:

¹ Passed November 17, 1778, Chapter 817.

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, no horse, mare, gelding, cow, ox, bull, sheep or other cattle shall be suffered between sunset and sunrise to run or go at large within the said townships of Passyunk, Moyamensing, the Northern Liberties and Germantown, (except the lands lying between Keeler's Lane to the southward, and the military works erected by the British army in the Northern Liberties to the northward, and extending from the river Delaware to Schuylkill.) And in case any such creature shall be found loose and at large within either of the said townships, except as above excepted, it shall and may be lawful for any freeholder or inhabitant within the same, and for any other person acting by the authority or command of any such freeholder or inhabitant, to take up such creature going at large, whether the same is trespassing or not, and to impound or confine the same in the common and open pound of the township erected or to be erected for that purpose, and there to detain the same until the owner or owners thereof shall pay to the overseers of the poor of such township the sum of twenty shillings fine, for every creature so suffered to run or go at large and taken up as aforesaid, and reasonable cost and charges [for keeping the same] and pay for any damage which such creature shall have done on the meadows, gardens or fields of any of the inhabitants of the said townships in such manner as is herein after directed.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no horse, mare, gelding, cow, ox, bull, sheep or other cattle shall be turned out and go feeding within the said townships between sunrise and sunset except it be under the care and attendance of a regular herdsman to be employed for that purpose by the inhabitants of the city of Philadelphia, and of the said townships of Passyunk, Moyamensing, the Northern Liberties and Germantown respectively. And if any such creature shall in the day time trespass and the damage upon any embanked meadow garden, orchard or upon any ploughed or cultivated ground then employed for the raising

of grain, hemp, flax, hops, potatoes, cabbages, turnips or other vegetables within the said townships it shall be lawful for any of the said freeholders or inhabitants and for any other person acting by the authority or command of such freeholder or inhabitant to take up such creature, trespassing on the meadow or other cultivated ground of any inhabitant thereof, although such ground be not enclosed in fence, and put the same into the pound of the township, there to be detained and kept until the owner of the trespassing creature or creatures shall have satisfied the damage done to the person or persons that have been injured thereby, besides the costs of impounding and keeping the same.

(Section V, P. L.) Provided always, That where such trespassing creature shall have been entrusted by the owner thereof to the care of a regular herdsman, such owner shall have his remedy against the herdsman by whose neglect such creature has been suffered to commit trespass.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the pounds which by virtue of an act of general assembly of this state, entitled "An act for erecting of pounds in each township of this province,"¹ are already erected in the aforesaid township shall be used for the impounding of creatures trespassing within the meaning of this act. And the pound-keepers thereof shall take the charge of the creatures delivered to him according to the directions of the same act, but where there is no such pounds erected, or pound-keepers appointed, or the pound is not sufficient for the putting this act in execution, that then and in either of the said cases it shall and may be lawful for the person whose lands are unenclosed or any of them to erect a pound or pounds, and to appoint pound-keepers.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the notices concerning creatures impounded shall be given to the owners thereof, or publicly advertised, and the costs and charges of impounding and keeping the same with the fines set upon owners of such creatures, and the damages suffered by their trespass shall be assess-

¹ Passed May 10, 1729, Chapter 301.

ed and recovered in the same manner, and the persons breaking such pounds or rescuing cattle lawfully impounded therein, punished as in the aforesaid act for erecting of pounds, and in the act entitled "An act concerning cattle, horses and sheep trespassing within this province,"¹ is directed and provided.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall be and continue in force from the publication thereof, until the first day of December next, and no longer.

Passed April 5, 1779. See the note to the Acts of Assembly passed January 12, 1705-6, Chapter 153; May 10, 1729, Chapter 301; March 4, 1763, Chapter 490; and the Acts of Assembly passed March 13, 1780, Chapter 892; April 2, 1781, Chapter 934.

CHAPTER DCCCXLIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."²

(Section I, P. L.) Whereas it has been found by experience, that the fines and penalties laid on persons neglecting to perform the military duties required by the act to which this is a supplement are insufficient for the good purposes intended:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act, each and every person or persons within this state, who shall not do and perform his or their tour of militia duty as directed by law, shall forfeit and pay the sum of one hundred pounds, instead of forty pounds heretofore imposed by the former law, to be recovered in the same manner as fines for such neglects are directed to be recovered; and for all neglects in

¹ Passed March 4, 1763, Chapter 490.

² Passed March 17, 1777, Chapter 750.